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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
| 10/678,366   | 10/03/2003  | Gregg D. Wilensky    | 07844-617001                 | 4008             |
| 21876 7590 03/27/2007<br>FISH & RICHARDSON P.C.<br>P.O. Box 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                      | EXAMINER<br>SMITH, JEFFREY S |                  |
|  |             |                      | ART UNIT<br>2624             | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                |                  |
| 30 DAYS  |             | 03/27/2007           | PAPER                        |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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20070321

DATE MAILED:

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**Commissioner for Patents**

see attached nonresponsive notice

***Response to Amendment***

The reply filed on March 13, 2007 is not fully responsive to the prior Office Action because the objections to the drawings have been intentionally ignored.

The drawing must show every feature of the invention specified in the claims or the claims must be canceled in order for applicant to respond to the Office Action. 37 CFR 1.83(a) states that the drawing in a nonprovisional application must show every feature of the invention specified in the claims.

This means that the drawing must show every feature of the invention specified in the claims. Instead of doing this, applicant asserts that the rule does not apply to him because he does not believe that detailed illustration of the dependent claims is required for proper understanding of the invention. In support of this belief, applicant cites a portion of 37 CFR 1.83 that relates to conventional elements that are included in the claims, which is "conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation."

This section of the rule, to be consistent with the first sentence of the rule, requires all claimed features to be shown in the drawing. This section of the rule merely gives applicant the choice of showing the conventional prior art features using a graphical drawing symbol or a labeled representation.

Therefore, because applicant is admitting on the record that the claimed features which are currently not shown are in fact conventional prior art features that are not

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required for proper understanding of the invention, the specification and drawings should reflect the fact that applicant believes the dependent claims are not inventive elements but are merely conventional features that are not required for proper understanding of the invention. Still the conventional features of the dependent claims that are not inventive must be shown in the drawing or canceled from the claims.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey S. Smith whose telephone number is 571 270-1235. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSS  
March 21, 2007

  
JINGGE WU  
SUPERVISORY PATENT EXAMINER